

in dispute; while Maryland, bold and confident in the merits and justice of her claim, went upon the common call in her charter. But it is plain upon principles of justice and right, that Virginia could gain no advantage, even by an attempt to settle the western line first, unless she demands of us to abandon our charter. By the charter, the western line was to be known by passing from the said bay, called Delaware Bay, in a right line by the fortieth degree of north latitude from the equinoctial, unto the true meridean of the first fountain of the river of Potomac. What the first fountain is, as intended by our charter, Virginia very well knows, but was not willing to ascertain. The charter goes further, and says, after striking the first fountain, "thence verging towards the south unto the further bank of the said river, and following the same on the west and south." &c. Now, it is evident, if the western limit of this state is, at any time, honestly settled, it must, of course, settle our southern boundary, unless, indeed, Virginia should be permitted to settle our boundaries, according to her own pleasure, without regard to our rights as fixed and ascertained by our charter. The proceedings of the executive of this state, under the resolutions of eighteen hundred and one, are particularly referred to in the message of Governor Mercer, of November 6th, 1802. At December session, eighteen hundred and three, Governor Mercer, being a member of the House of Delegates, was chairman of a committee appointed to consider and report upon the matters growing out of the resolutions of eighteen hundred and one. In this report Governor Mercer recommends the running of a provisional line by agreement with Virginia until further steps could be taken, to ascertain the southern boundary. "This report was not acted upon—and the subject does not appear to have been revived until eighteen hundred and ten, when another resolution was passed similar to that of eighteen hundred and one. From eighteen hundred and ten, the matter slept until it was revived by this state in the act of eighteen hundred and eighteen, chapter two hundred and six. "This state had now become wearied with her efforts to reclaim the territory south of the north branch; and hence this act of eighteen hundred and eighteen, in proposing to Virginia the appointment of commissioners' agrees to adopt the most western source of the North Branch, as the point from which the western boundary shall start. At December session eighteen hundred and twenty-one, of the assembly of Virginia, an act was passed which purported to meet and reciprocate this proposition of the state of Maryland; but, was, in fact, materially variant from it. By the Virginia act the commissioners were instructed to commence the